

**Need as a reference for SBA 104e letter**

**December 3, 2004**

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
URGENT LEGAL MATTER; PROMPT REPLY REQUESTED**

CT Corp. System, Registered Agent  
Agent for E.I. DuPONT de Nemours and Company for Conoco Inc.  
350 N. St. Paul Street  
Dallas, TX 75201

Re: Request for Information Pursuant to Section 104 of CERCLA (42 U.S.C. Section 9604)  
Generators and Transporters  
State Marine of Port Arthur Superfund Site  
Jefferson County, Texas

Dear Sir or Madam:

The United States Environmental Protection Agency (EPA) is involved in an ongoing investigation of the releases or threatened releases of hazardous substances, pollutants, or contaminants at the State Marine of Port Arthur Superfund Site (hereinafter "the Site") in Jefferson County, Texas. This letter seeks your cooperation in providing information and documents relating to the contamination of the Site. A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health and the environment.

EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and disposal methods of hazardous substances, pollutants, or contaminants that have been or threaten to be released from the Site. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. The EPA has information that you were a defendant in a lawsuit filed on March 9, 2000, by Mr. Chester Slay the owner/operator of the Site. Mr. Slay filed the lawsuit against companies that brought barges to the Site. Mr. Slay was diagnosed with a form of cancer, specifically lymphoma. Mr. Slay alleged in his petition that the exposure to benzene caused the cancer with which he was diagnosed. EPA also discovered that there was a financial settlement between Mr. Slay and companies listed in Mr. Slay's petition.

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Therefore, EPA believes that you may have information which will assist in our investigation of the Site. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A (Information Request, State Marine of Port Arthur Superfund Site) within thirty (30) calendar days of your receipt of this letter. Enclosure B (Parties Receiving Information Requests) lists those parties who were also sent information request letters concerning the Site.

#### Site Background

The Site is located on Old Yacht Club Road on Pleasure Islet, a peninsula located approximately ½ mile southwest of the mouth of the Neches River where it enters the Sabine-Neches Canal in Jefferson County, Texas. The Site occupies approximately 17.2 acres and includes Tracts 3 and 6 at the geographic coordinates 29°57'39" north latitude and 93°51'33" west longitude as measured from a United States Geological Survey 7.5 minute topographic map (West of Greens Bayou, Tx.-La. quadrangle). The Site includes sediments in Sabine Lake contaminated from barge cleaning operations conducted at the Site. The closed Port Arthur Municipal Landfill underlies several buried surface impoundments at the Site.

Sampling results from an Expanded Site Inspection, performed by the Texas Commission on Environmental Quality (TCEQ) in 1995, indicated the presence of organic and inorganic contaminants in the buried surface impoundments, the former tank area, an area of contaminated soils adjacent to the shoreline of Sabine Lake, and the sediments of Sabine Lake. Some of the organic contaminants present at the Site include anthracene, phenanthrene, benzo(b)fluoranthene, benzo(a)pyrene, pyrene, chrysene, and naphthalene. Some of the inorganic contaminants present at the Site include antimony, lead, and mercury.

#### Description of Legal Authority

The Federal "Superfund" law (Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act

of 1986, also commonly referred to as CERCLA and Superfund) gives EPA the authority to, among other things: (1) assess contaminated sites; (2) determine the threats to human health and the environment posed by each site; and (3) clean up those sites. CERCLA also provides EPA with several methods of obtaining various types of information from a wide range of entities. Section 104(e), entitled "Information Gathering and Access," grants EPA the authority to issue "Information Requests."

#### Information Requests

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; and
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under Federal law. Although you may consider some of the information EPA is requesting to be confidential, please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A (Information Request, State Marine of Port Arthur Superfund Site), including the requirement for supporting your claim for confidentiality. If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted along with this Information Request.

Your response to the questions included in Enclosure A (Information Request, State Marine of Port Arthur Superfund Site), including any technical questions you may have about the Site, should be directed to:

Mr. Kenneth Talton (Enforcement Officer)  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-AC)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-7475  
Facsimile: (214) 665-6660  
E-Mail: talton.chuck@epa.gov

Specific legal questions concerning this Information Request should be directed to:

Mr. Joseph Compton (Attorney)  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-8506  
Facsimile: (214) 665-6460  
E-Mail: [compton.joseph@epa.gov](mailto:compton.joseph@epa.gov)

### Conclusion

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A (Information Request, State Marine of Port Arthur Superfund Site) within thirty (30) calendar days of your receipt of this letter.

Thank you in advance for your cooperation in responding to this Information Request and we look forward to working closely with you in the future.

Sincerely yours,

Samuel Coleman, P.E.  
Director  
Superfund Division

Enclosures

cc: Mr. Glenn Shankle, Executive Director  
Texas Commission on Environmental Quality, w/o enclosures

**ENCLOSURE A**  
**INFORMATION REQUEST**  
**STATE MARINE OF PORT ARTHUR SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**

This Information Request is to request that you provide certain information regarding the State Marine of Port Arthur Superfund Site (hereinafter “the Site”) in Jefferson County, Texas. The United States Environmental Protection Agency (EPA, Region 6) is currently seeking information relating to the identification, nature, and quantity of materials which have been generated, produced, treated, stored, or disposed at the Site; transportation of materials to the Site; nature or extent of the release or threatened release of hazardous substances or pollutants or contaminants at or from the Site; and the ability of certain persons to pay for or to perform cleanup activities at the Site.

Compliance with this Information Request is mandatory and required by Federal law. Failure to respond fully and truthfully to the Information Request within **30 calendar days** of your receipt of this letter may result in the initiation of enforcement action by EPA pursuant to Subsection 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986), 42 U.S.C. § 9604(e). CERCLA permits EPA to seek the imposition of penalties of up to \$27,500.00 for each day of continued non-compliance. Furnishing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Should you find that any portion of your submission is incorrect or false, you should notify EPA as soon as possible. This Information Request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Following are the “instructions” you should adhere to in responding to this Information Request, the “definitions” that apply to the words as they appear in this Information Request, and the “Questions” you should provide a response for as part of this Information Request:

**INSTRUCTIONS**

Following are the instructions you should adhere to in responding to this Information Request. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify the person(s) answering the Questions on behalf of the Respondent and each person(s) that you relied on or consulted in the preparation of the answer.
2. A separate narrative response must be made to each and every Question, and Subpart(s) of each Question, set forth in this Information Request.
3. Precede each narrative response with the number of the Question (or Subpart[s]) and the Question (or Subpart[s]) to which it corresponds.

4. For each and every Question contained herein, identify each of the documents consulted, examined, or referred to in the preparation of the answer or that contained information responsive to the Question and provide true and accurate copies of each of these documents. Organize the document copies according to the corresponding Question. For each document produced in your response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (or Subpart[s]) to which the document corresponds.
5. For each question contained in this Information Request, if information or documents responsive to this Information Request are not in your possession, custody, or control, please identify the person(s) from whom such information or documents may be obtained.
6. Identify any person you think may be able to provide a more detailed or complete response to any Question contained herein, along with the additional information or documents that you think they may have.
7. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
8. Provide responses to the best of your ability, even if the information sought was never written or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.
9. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Section 9604(e)(7)(E) and (F).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;

- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position , and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, the word "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents, should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public without further notice to you.

10. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 CFR 2.310(h), even if you assert that all or part of the information is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request.

If you are submitting information which you assert is entitled to treatment as confidential

business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.

11. The disclosure of personnel and medical files, etc., which the general public may constitute as invasion of privacy, should be segregated from your responses, included on a separate sheet(s), and marked as “Personal Privacy Information.”
12. If you have objections to some or all of the questions included with this Information Request, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this Attachment A (Information Request). All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act (RCRA), in which case the statutory or regulatory definitions shall apply. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular Question or Questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

1. The terms “**and**” and “**or**” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term “**any**” (e.g., as in “any documents”), shall mean “any and all.”
3. The term “**arrangement**” shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term “**asset**” shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.
5. The term “**document(s)**” shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly



or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings/agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents, attachments to or enclosures with any document, and every document referred to in any other document.

6. The term “**generator**” shall mean persons who arranged for the disposal or treatment of hazardous substances at the place (i.e., the State Marine of Port Arthur Superfund Site) where the hazardous substances were released.
7. The term “**hazardous material**” shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
8. The term “**hazardous substance**” shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances.
9. The term “**hazardous waste**” shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 CFR Part 261.
10. The term “**identify**” shall mean, with respect to a natural person, to set forth the person’s name, present or last known business, present or last known job (including job title and position), and personal addresses and telephone numbers.
11. The term “**identify**” shall mean, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
12. The term “**identify**” shall mean, with respect to a document, to provide the type of

document. This information includes the document's customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient), and the present location of such document.

13. The term “**identify**” shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
14. The term “**material(s)**” shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.
15. The term “**operator**” shall mean those persons who once owned or operated the place (i.e., the State Marine of Port Arthur Superfund Site) where hazardous substances were released during the time when the hazardous substances were disposed.
16. The term “**owner**” shall mean those persons who now own the place (i.e., the State Marine of Port Arthur Superfund Site) where the hazardous substances were released.
17. The term “**person**” shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C. § 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
18. The terms “**pollutant**” or “**contaminant,**” shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
19. The term “**property interest**” shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
20. The term “**real estate**” shall mean and include, but not be limited to, the following: land, buildings, homes, dwelling places, condominiums, cooperative apartments, offices or commercial buildings. The term includes real estate located outside of the United States.

21. The term **“release”** has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
22. The terms **“Site”** or **“Facility”** shall mean and include the State Marine of Port Arthur Superfund Site (also known as State Welding and Marine Works and Golden Triangle Shipyard) located on Old Yacht Club Road on Pleasure Islet, a peninsula located approximately ½ mile southwest of the mouth of the Neches River where it enters Sabine Lake in Jefferson County, Texas. The Site occupies, but may not be limited to, approximately 17.2 acres which include Tracts 3 and 6 at the geographic coordinates 29°57'39" north latitude and 93°51'33" west longitude as measured from a U.S.G.S 7.5 minute topographic map (West of Greens Bayou, Tx.-La. quadrangle).
23. The term **“solid waste”** shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C. § 6903(27), and 40 CFR Part 261.
24. The terms **“transaction”** or **“transact”** shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
25. The term **“transporter”** shall mean persons who selected the place (i.e., the State Marine of Port Arthur Superfund Site) where the hazardous substances were released as a disposal site and transported the hazardous substances to that place.
26. The terms **“you”** or **“Respondent”** shall mean the addressee of this Request; including, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

### **QUESTIONS**

1. Have you ever in any way been involved with this Site?
2. Provide copies of all documents that would link Respondent to the Site.
3. Have you ever been involved with any legal action related to this Site?
  - a. If so, was the matter settled in open court or by a private settlement?
  - b. Provide copies of all documents created or kept by the Respondent of any legal action related to this Site.
4. If you have had any involvement with this Site, please provide responses to the Generator and Transporter questions listed below.

## **GENERATOR QUESTIONS**

Following are the Questions regarding the generation of waste at this Site you should answer as part of this Information Request. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify all persons, including the Respondent, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials, hazardous materials, hazardous substances, and hazardous wastes at or to the Site (or any transshipment site). Such persons shall hereinafter be referred to as “Generators.” This information shall include, but not be limited to, the following:
  - a. The persons with whom the Generators made such arrangements including, but not limited to, those parties listed in Enclosure B (Parties Receiving Information Requests);
  - b. Every date on which each Generator made such arrangements;
  - c. The nature, including the chemical content, characteristics, physical state (e.g., solid or liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement;
  - d. In general terms, the nature and quantity of the non-hazardous materials involved in each such arrangement;
  - e. The owner of the hazardous materials involved in each such arrangement;
  - f. All tests, analyses, analytical results, and manifests concerning each hazardous material involved in such transactions;
  - g. The precise locations at which each hazardous material involved in such transactions actually was disposed or treated;
  - h. Who selected the location to which the hazardous materials were to be disposed or treated. This information shall include where these persons intended to have the hazardous materials involved in each arrangement treated or disposed and all evidence of their intent
  - i. Who selected the Site as the location at which hazardous materials were to be disposed or treated;
  - j. The amount paid in connection with each such arrangement, the method of payment, and the identity of the persons involved in each arrangement;

- k. All intermediate sites to which the hazardous materials involved in each arrangement were transshipped, or at which they were stored or held at any time prior to final treatment or disposal;
  - l. What was done to the hazardous materials once they were brought to the Site;
  - m. The final disposition of each of the hazardous materials involved in each arrangement;
  - n. The measures taken by you to determine how and where treatment or disposal of the hazardous materials involved in each arrangement would actually take place; and
  - o. The markings, type, condition, and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.
- 2. Provide names, addresses, and telephone numbers of any individuals (including current and former employees) who may be knowledgeable of the Site's operations and hazardous material handling, storage, and disposal practices.
  - 3. State the date(s) on which the barges/drums and/or hazardous substances were sent, brought, or moved to the Site and the names, addresses, and telephone numbers of the person(s) making arrangements for the drums to be sent, brought, or moved to the Site.
  - 4. Provide the correct name and addresses of the Respondent's plants and other buildings or structures where the Respondent carried out its operations (excluding locations where only clerical/office work was performed).
  - 5. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations.
  - 6. Provide a brief description of the nature of the Respondent's operations at each location. This information shall include, but not be limited to, the following:
    - a. The date such operations commenced and concluded; and
    - b. The types of work performed at each location including, but not limited to, the industrial, chemical, or institutional processes undertaken at each location.
  - 7. If the nature or size of Respondent's operations changed over time, describe those changes and the dates they occurred.
  - 8. List the types of raw materials used in the Respondent's operations and the products

manufactured, recycled, recovered, treated, or otherwise processed in these operations.

9. Provide copies of the Material Safety Data Sheets for the materials used in the Respondent's operations.
10. Describe the cleaning and maintenance of the equipment and machinery involved in the Respondent's operations. This information shall include, but not limited to, the following:
  - a. The types of materials used to clean and maintain this equipment and machinery, and
  - b. The monthly or annual quantity of each such material used.
11. Describe the methods used to clean up spills of liquid or solid materials during the Respondent's operations. This information shall include, but not limited to, the following:
  - a. The types of materials spilled in the Respondent's operations,
  - b. The materials used to clean up those spills,
  - c. The methods used to clean up those spills, and
  - d. Where the materials used to clean up those spills were disposed of.
12. Prepare a "Waste List" which shows each substance present in the Respondent's wastes and by-products and provide any additional information for each such substance that would assist EPA in determining the type of compounds present in the waste and by-products.
13. Describe each type of waste and by-products from the Respondent's operations including all liquids, sludges, and solids. This information shall include, but not be limited to, the following:
  - a. The physical state,
  - b. The nature and chemical composition,
  - c. The color,
  - d. The odor,
  - e. The approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, and pounds, etc.), and

- f. The beginning and ending dates during which each type of waste was produced by Respondent's operations.
- 14. Provide a schematic diagram that indicates which part of the Respondent's operations generated each type of waste including wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.
- 15. Describe how each type of waste was collected and stored at the Respondent's operation prior to disposal, recycling, sale, and transport. This information shall include, but not be limited to, the following:
  - a. The type of container in which each type of waste was placed or stored, and
  - b. Where each type of waste was collected or stored.
- 16. Identify all of the individuals who currently have and those who have had responsibility for the Respondent's environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of the Respondent's wastes). This information shall include, but not be limited to, the following:
  - a. Each individual's job title and duties (including the dates performing those duties),
  - b. The supervisors for such duties,
  - c. The current position or the date of the individual's resignation, and
  - d. The nature of the information possessed by such individuals concerning the Respondent's waste management.
- 17. Describe the containers used to ship or transport each type of waste from the Respondent's operation. This information shall include, but not be limited to, the following:
  - a. The type of container (e.g., 55-gallon drum or dumpster, etc.);
  - b. The colors of the containers;
  - c. Any distinctive stripes or other markings on these containers;
  - d. Any labels or writing on these containers including the content of these labels;
  - e. Whether these containers were new or used. If used, provide a description of the

prior use of these containers.

18. For each type of waste, describe the Respondent's contracts, agreements, or other arrangements for the waste's disposal, treatment, or recycling. This information shall include, but not be limited to, the following:
- a. Provide copies of such contracts and other documents reflecting such agreements or arrangements;
  - b. State where the Respondent sent each type of its waste for disposal, treatment, or recycling;
  - c. Identify all entities and individuals who picked up waste from the Respondent or who otherwise transported the waste away from the Respondent's operations. These companies and individuals shall hereinafter be referred to as "waste carriers;"
  - d. State if the Respondent transported any of its wastes away from its operations;
  - e. For each type of waste, specify which waste carrier picked up the waste;
  - f. For each type of waste, state how frequently each waste carrier picked up such waste;
  - g. For each type of waste, state the volume picked up by each waste carrier including the frequency (e.g., in terms of either weeks, months, or years);
  - h. For each type of waste state the beginning and ending dates such waste was picked up by each waste carrier;
  - i. Provide copies of all documents containing information responsive to Questions b-h of this Subpart of the Information Request;
  - j. Describe the vehicles used by each waste carrier to haul or transport each type of waste away from the Respondent's operations. This information shall include, but not be limited to, the following:
    - a. The type of vehicle (e.g., barge, flatbed truck, tanker truck, containerized dumpster truck, etc.);
    - b. The names or markings on the vehicles; and
    - c. The color of such vehicles.



- k. Identify all of each waste carrier's employees who collected the Respondent's wastes;
- l. Indicate the ultimate disposal, recycling, and treatment location for each type of waste and provide all documents indicating these locations for each type of waste;
- m. Describe how the Respondent managed pickups of each type of waste. This information shall include, but not be limited to, the following:
  - 1. The method for performing inventory for each type of waste,
  - 2. The method for requesting each type of waste to be picked up,
  - 3. The identity of the waste carrier's employee or agent contacted for pickup of each type of waste,
  - 4. The amount paid or the rate paid for the pickup of each type of waste,
  - 5. The identity of the Respondent's employee(s) who paid the bills, and
  - 6. The identity of the individual(s) and company to whom the Respondent sent the payment for the pickup of each type of waste.
- n. Identify the individual or organization, including the Respondent and waste carrier, who selected the location where each of the Respondent's wastes were taken. State the basis for and provide any documents supporting the answer to this question;
- o. Describe all wastes disposed by the Respondent into the Respondent's drains. This information shall include, but not be limited to, the following:
  - 1. The nature and chemical composition of each type of waste;
  - 2. The dates on which these wastes were disposed;
  - 3. The approximate quantity of these wastes disposed and the frequency (e.g., by month and year);
  - 4. The location to which these wastes drained (e.g., on-site septic system, on-site storage tank, pretreatment plant, publicly owned treatment works, etc.); and
  - 5. Whether and what pretreatment was provided.

- p. Identify any sewage authority or treatment works to which the Respondent's waste was sent;
  - q. Identify the types of wastes for all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from the Respondent's operations; and
  - r. If not already provided, specify the dates and circumstances when the Respondent's waste was taken to the Site and identify the companies or individuals who brought the Respondent's waste to the Site. Provide all documents which support or memorialize your response.
19. List all federal, state, and local permits and/or registrations issued to the Respondent's company for the transport and/or disposal of materials, including their respective permit numbers.
20. Were all hazardous wastes transported by licensed carriers to hazardous waste treatment, storage, or disposal facilities permitted by EPA or the State?
21. Does the Respondent's company or business have a permit(s) issued under RCRA? If so, provide a copy(ies) of the permit(s).
22. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.
23. Does the Respondent's company or business have, or has it ever had, a permit(s) under the hazardous waste laws of the State? If so, provide a copy(ies) of the permit(s).
24. Does the Respondent's company or business have an EPA Identification Number, or an identification number supplied by the State? If so, supply any such identification number(s).
25. Identify whether a Notification of Hazardous Waste Activity was ever filed with the EPA or the corresponding agency or official of the State. This information shall include, but not be limited to, the following:
- a. The date of such filing,
  - b. The wastes described in such notice,
  - c. The quantity of the wastes described in such notice, and
  - d. The identification number assigned to such facility by EPA or the State.

26. Identify all federal, state, and local offices and agencies to which the Respondent has sent or filed hazardous substance or hazardous waste information and state the years during which such information was sent or filed.
27. List all federal and state environmental laws and regulations under which the Respondent has reported to federal and state governments and identify the federal and state offices to which such information was sent. This information shall include, but not be limited to, the following:
  - a. The Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq.;
  - b. The Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq.; and
  - c. The Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.

### **TRANSPORTER QUESTIONS**

Following are the Questions regarding the transportation of waste at this Site that you should provide a response to as part of this Information Request. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify all persons, including the Respondent, who may have transported materials, hazardous materials, hazardous substances, and hazardous wastes to the Site. Such persons shall hereinafter be referred to as the Respondent or "Transporters."
2. For each such Transporter identified in Question 1 of this Subpart of this Information Request, state whether it accepted materials, including municipal solid waste from a municipality or arranged with a municipality by contract or otherwise to accept materials from any source. If so, describe the nature, quantity, and source of all materials accepted and transported to the Site.
3. Describe the Respondent's company. This information shall include, but not be limited to, the following:
  - a. State the correct legal name;
  - b. State the name(s) and address(es) of the President, Chairman of the Board, and any other presiding officer;
  - c. Identify the State of Incorporation and the agents for service of process in the State of Incorporation and in Texas; and

- d. If the Respondent's company is a subsidiary or affiliate of another corporation, or has subsidiaries, identify these related companies. Include the State of Incorporation and agents for service of process in the State of Incorporation and in Texas.
4. State the names, telephone numbers, and present or last known addresses of all individuals who the Respondent has reason to believe may have knowledge, information, or documents regarding any transportation of materials to the Site, the disposal of materials at the Site, or the identities of the companies whose material was disposed of at the Site. For each individual identified, summarize the types of knowledge, information, or documents you believe these individuals may have.
5. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify the Respondent's (i.e., Transporter's) company, and present and past owners of shares in the company, for any liability that may result under CERCLA for any release of a hazardous substance from the Site. This information shall include, but not be limited to, the following:
  - a. Provide a copy of such agreements or contracts;
  - b. Identify any agreement or contract that you are unable to locate or obtain and describe the relevant information contained therein; and
  - c. Identify by name and job title the person who prepared the document. If the document is not readily available, state where it is stored or maintained and why it is no longer available.
6. State whether an insurance policy has ever been in effect which may indemnify the Respondent's company against any liability which the company may have under CERCLA for any release or threatened release of a hazardous substance at the Site. This information shall include, but not be limited to, the following:
  - a. Provide a copy of the policy; and
  - b. Identify any policy that you cannot locate or obtain by the name of the carrier, years in effect, nature and extent of coverage, and any other information you may have.
7. Provide copies of all federal and state income tax returns filed by the Respondent's company since its inception.
8. Provide copies of financial statements, reports, or projections prepared by, for, or on behalf of the Respondent's company during the past five years. This information shall include, but not be limited to, all those filed with the Securities and Exchange

Commission, state agencies, and all financial institutions such as banks.

9. Identify all persons and entities from whom the Respondent (i.e., Transporter) accepted materials, hazardous materials, hazardous substances, and wastes which were taken directly or indirectly to the Site.
10. Identify the owners of the materials that were accepted for transportation by the Respondent.
11. Identify the person who selected the Site as the location to which the Respondent took the materials to the Site.
12. Describe the measures taken by the persons who gave the materials to the Respondent to determine what the Respondent would actually do with the materials they accepted.
13. For each material transported, describe any warnings given to the Respondent with respect to its handling.
14. Identify all the Sites at which the materials were transhipped through or were stored or held prior to their final treatment or disposal.
15. State the amount paid to the Respondent for accepting the materials for transportation and indicate the method of payment. Identify the person who paid the Respondent.
16. Provide representative copies of the Respondent's customer lists, accounts receivables lists, or route slips that were used that show the names of the customers.
17. Describe each customers' materials taken to the Site. This information shall include, but not be limited to, the following:
  - a. The volume,
  - b. The nature,
  - c. The chemical composition,
  - d. The color,
  - e. The smell,
  - f. The physical state (e.g., solid or liquid) and any any other distinctive characteristics, and
  - g. The years during which each customers' materials were taken to the Site.

18. Provide copies of all tests, analyses, and analytical results concerning each material the Respondent took to the Site. If you do not have documents responsive to this question but believe others do, identify who might have such documents and the basis for such a belief.
19. Describe the containers that the Respondent picked up from each customer and took to the Site, including containers (if any) that the Respondent provided to the customers for such use. This information shall include, but not be limited to, the following:
  - a. The type of container (e.g., 55-gallon metal or cardboard drum, etc.);
  - b. The condition of the container (e.g., whether opened, closed, sealed, damaged, new, or used, etc.);
  - c. The color of the container; and
  - d. Describe any distinctive stripes or other markings and any labels or writing on these containers. Include the content of those labels or writing.
20. Provide copies of all documents created or kept by the Respondent related to the collection of materials from customers whose materials were taken to the Site. This information shall include, but not be limited to, the following:
  - a. Log books, dump slips, manifests, receipts, and invoices of any kind; and
  - b. The composition and quantity of these materials.
21. Provide copies of all documents created or kept by the Respondent related to the nature, quantity, or source of the materials taken to the Site.
22. Provide all records created or kept by the Respondent concerning the nature or quantity of materials collected from the Respondent's customers and taken to the Site.
23. Identify all of the Respondent's current or former employees who may have taken or accompanied materials to the Site. Describe each such employee's responsibilities. This information shall include, but not be limited to, the following:
  - a. The dates of employment,
  - b. The nature of the position to which each employee was assigned,
  - c. The customers each employee served,
  - d. The locations to which each employee took or accompanied materials, and

- e. The routes which each employee followed.
24. Identify the Respondent's office manager and the bookkeeper or other employee who handled the company's checkbook and accounts receivables.
25. Describe the Respondent's vehicles that were used to transport materials to the Site. This information shall include, but not be limited to, the following:
- a. The type of vehicles (e.g., barge, tanker, or flatbed, etc.);
  - b. The color(s);
  - c. The distinctive markings (e.g., company names or logos); and
  - d. The number(s) of each type of vehicle.
26. Describe what was done to each type of material after it was taken to the Site by the Respondent. This information shall include, but not be limited to, the following:
- a. Describe where each type of material brought to the Site was disposed or otherwise placed.
  - b. If particular types of materials were placed or disposed of in separate or specific areas of the Site, provide the following information:
    - 1. The types of materials so placed or disposed,
    - 2. Where on the Site these materials were placed or disposed, and
    - 3. How those materials were placed or disposed.
  - c. If particular customers' materials were placed or disposed in separate or specific areas of the Site, provide the following information:
    - 1. The identity of each such customer,
    - 2. The nature and chemical composition of each such customer's type of material,
    - 3. The quantity of each such customer's material, and
    - 4. Where on the Site each such customer's material was so placed or disposed.

- d. If drums were placed or disposed at the Site, provide the following information:
  - 1. Where they were placed or disposed, and
  - 2. Their condition when placed or disposed.
- e. If liquids were placed or disposed at the Site, indicate whether and how the liquids were:
  - 1. Mixed at the Site,
  - 2. Placed or disposed in separate areas, and
  - 3. Placed or disposed in their containers or removed from their containers.
- f. Describe all procedures undertaken by the Respondent and the owner/operator of the Site upon the Respondent's arrival/entry to the Site. This information shall include, but not be limited to, the following:
  - 1. The completion of any documentation of disposal or placement at the Site,
  - 2. Any exchange of cash or checks, and
  - 3. Any review of permits or other authorities to dispose or place the materials at the Site.
- g. Describe the Respondent's procedures for paying for the disposal or placement of materials at the Site. This information shall include, but not be limited to, the following:
  - 1. The method of payment (e.g., cash, check, or money order);
  - 2. The frequency at which these payments were made;
  - 3. To whom these payments were made;
  - 4. The total amount of these payments and the rates paid;
  - 5. Where these payments were made (e.g., at the Site or by mail, etc.); and
  - 6. Provide the identity of the Respondent's employee/agent in charge of accounting for and making such payments.
- h. Identify other individuals and entities that the Respondent has reason to believe



may have taken or sent materials to the Site. Of these individuals and entities, specify which were observed by the Respondent at the Site and indicate when those observations were made. Provide all of the information known by the Respondent regarding the customers of these entities or individuals.

27. If the Respondent did not bring all materials directly from its customers to the Site, provide the following information:
  - a. Identify all of the locations through which such materials were transshipped, or stored, or held prior to their final treatment or disposal;
  - b. Provide a description of the nature of operations at such other locations;
  - c. Identify the individuals and entities who operated such other locations;
  - d. Provide a description of the kinds and quantities of materials taken to these locations;
  - e. Provide a description of the process(es) the materials were subjected to at each such location (e.g., storage, consolidation, or treatment, etc.); and
  - f. Provide a description of how long the wastes remained at each such location before being taken to the Site.
28. List all federal, state, and local permits and/or registrations issued to the Respondent for the transport and/or disposal of materials.
29. Please state the name, title, and address of each individual who assisted or was consulted in the preparation of the responses to this Information Request.

**ENCLOSURE B**  
**PARTIES RECEIVING INFORMATION REQUESTS**  
**STATE MARINE OF PORT ARTHUR SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**

CT Corp. System, Registered Agent  
Agent for Atlantic Richfield Company  
350 N. St. Paul Street  
Dallas, TX 75201

CT Corp. System, Registered Agent  
Agent for Canadianoxy Offshore Production Co. for Cities Service Refining Corp., Cities  
Service Oil Co., Citgo Petroleum Corp., Columbian Carbon Co., Petroleum Chemicals, Inc., &  
Oxy Oil and Gas USA, Inc.  
8550 United Plaza Blvd.  
Baton Rouge, LA 70809

CT Corp. System, Registered Agent  
Agent for Citgo Petroleum Company  
350 N. St. Paul Street  
Dallas, TX 75201

Prentice Hall Corp. System, Registered Agent  
Agent for Cities Services Refining Corporation, Inc.  
800 Brazos  
Austin, TX 78701

Prentice Hall Corp. System, Registered Agent  
Agent for Chevron U.S.A., Inc. f/k/a Gulf Oil Corporation  
800 Brazos  
Austin, TX 78701

CT Corp. System, Registered Agent  
Agent for E. I. DuPONT de Nemours and Company  
350 N. St. Paul Street  
Dallas, TX 75201

CT Corp. System, Registered Agent  
Agent for Fina Oil and Chemical Company  
350 N. St. Paul Street  
Dallas, TX 75201

CT Corp. System, Registered Agent  
Agent for Goodyear Tire and Rubber Co.  
350 N. St. Paul Street  
Dallas, TX 75201

William P. Morelli, Registered Agent  
Agent for Ingram Barge Company for Ohio Barge Lines, Inc.  
4400 Harding Rd.  
Nashville, TN 37205

Prentice Hall Corp. System, Registered Agent  
Agent for Mobil Oil Corporation  
800 Brazos  
Austin, TX 78701

Prentice Hall Corp. System, Registered Agent  
Agent for Mobil Chemical Company, Inc.  
800 Brazos  
Austin, TX 78701

D. G. Yetter, Registered Agent  
Agent for Texaco Chemical Company  
Heritage Plaza  
1111 Bagby Street  
Houston, TX 77002

CT Corp. System, Registered Agent  
Agent for Huntsman Petrochemical Corporation  
350 N. St. Paul Street  
Dallas, TX 75201

D. G. Yetter, Registered Agent  
Agent for Texaco Refining and Marketing, Inc.  
Heritage Plaza  
1111 Bagby Street  
Houston, TX 77002

C. T. Corporation Systems, Registered Agent  
Agent for Union Oil Company Of California d/b/a Unocal  
811 Dallas Street  
Houston, TX 77002

CT Corp. System, Registered Agent

Agent for Unocal Corporation  
350 N. St. Paul Street  
Dallas, TX 75201

American Commercial Barge Lines, Inc.  
1701 E. Market St.  
Jeffersonville, IN 47130

Gary A. Phillips, Registered Agent  
Agent for CSX, Inc., for American Commercial Barge Lines, Inc.  
2021-C Junction Highway  
Kerrville, TX 78028

C. T. Corporation Systems, Registered Agent  
Agent for Conoco Inc.  
811 Dallas Street  
Houston, TX 77002

C. T. Corporation Systems, Registered Agent  
Agent for Kirby Inland Marine, Inc., for Dixie Canal Group  
811 Dallas Street  
Houston, TX 77002

CT Corp. System, Registered Agent  
Agent for Dixie Carriers, Inc.  
350 N. St. Paul Street  
Dallas, TX 75201

C. T. Corporation Systems, Registered Agent  
Agent for Dixie Marine, Inc.  
811 Dallas Street  
Houston, TX 77002

Mr. Robert B. Egan, Registered Agent  
Agent for Hollywood Marine No. 1, LTD  
55 Waugh, 10<sup>th</sup> Floor  
Houston, TX 77007

Mr. Robert B. Egan, Registered Agent  
Agent for Hollywood Marine No. 3, LTD  
55 Waugh, 10<sup>th</sup> Floor  
Houston, TX 77007  
Mr. Robert B. Egan, Registered Agent  
Agent for Hollywood Marine No. 4, LTD

55 Waugh, 10<sup>th</sup> Floor  
Houston, TX 77007

C. T. Corporation Systems, Registered Agent  
Agent for Kirby Inland Marine, Inc., for Hollywood Marine Inc., Alamo Barge Lines & Arthur  
Smith Barge Lines  
811 Dallas Street  
Houston, TX 77002

C. T. Corporation Systems, Registered Agent  
Agent for Kirby Inland Marine, Inc. of Texas  
811 Dallas Street  
Houston, TX 77002

CT Corp. System, Registered Agent  
Agent for Kirby Marine Transportation Corporation  
350 N. St. Paul Street  
Dallas, TX 75201

T. L. McKenzie  
McKenzie Service Company, Inc.  
4412 W. Pensacola St.  
Tallahassee, FL 32304

Robert G. Landrum, Jr  
McKenzie Tanklines, Inc..  
122 Appleyard Dr.  
Tallahassee, FL 32304

C. T. Corporation Systems, Registered Agent  
Agent for NMS, Inc. a/k/a National Marine Service Inc.  
811 Dallas Street  
Houston, TX 77002

Ohio Barge Line, Inc.  
c/o W. R. Hawkins  
600 Grant St., Room 1501  
Pittsburgh, PA 15219-4776

James Schroeder, Registered Agent  
Agent for Pier 19 Marine Fuels, Inc. f/k/a Conoco Marine Products, Inc.  
2621 Beluche

Galveston, TX 77551

Wayne Barber, Registered Agent  
Agent for Port Neches Towing, Inc.  
723 Dearing St.  
Port Neches, TX

Ronald C. Dansby, Registered Agent  
Agent for Rio Marine, Inc.  
2102 Broadway  
Houston, TX 77012

CT Corp. System, Registered Agent  
Agent for Sabine Towing & Transportation Co., Inc.  
350 N. St. Paul Street  
Dallas, TX 75201

Nicholas N. Carter, Registered Agent  
Agent for South Hampton Refining Co. f/k/a South Hampton Co.  
Hwy. 418  
Silsbee, TX 77656

Jeffery G. McKenzie, Registered Agent  
Agent for McKenzie Trucking, LLC  
2214 Dryden RD  
Metemora, MI 48455

Jerry L. Mc Kenzie, Registered Agent  
Agent for Mc Kenzie Trucking Services  
320 North Warren  
Springfield, MO 65802

The Corp., Registered Agent  
Agent for McKenzie Trucking, Inc.  
74-24 Jamaica Ave  
Woodhaven, NY 11421

E L McKenzie, Registered Agent  
Agent for McKenzie Trucking, Inc.  
330 Cinda Leigh DR  
Lexington, SC 29073

John R. Anderson, Registered Agent  
Agent for McKenzie Trucking & Leasing, LLC  
633 Chestnut ST  
Chattanooga, TN 37450

Gerald L. McKenzie Jr., Registered Agent  
Agent for McKenzie Farm Services, Inc., d/b/a McKenzie Trucking  
P.O. Box 363  
Kingstree, SC 29556

Johnnie E McKenzie  
McKenzie Trucking Service  
34698 Edgar Kennedy RD  
Pearl River, LA 70452

Richard G. Mc Kenzie  
Mc Kenzie Trucking  
15646 SE Cordova CT  
Oak Grove, OR 97267

Pamela F. McKenzie  
McKenzie Trucking  
P. O. Box 478  
Spurger, TX 77660

Robert G. Landrum, Registered Agent  
Agent for McKenzie Tank Lines, Inc.  
122 Appleyard DR  
Tallahassee, FL 32304